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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,758	06/25/2003	Yoichi Ohgami	0033-0884P	2343
2292	7590	07/25/2006		EXAMINER
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				GESESSE, TILAHUN
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/602,758	OHGAMI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tilahun B. Gesessse	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 26 April 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-13 and 15 is/are rejected.

7)  Claim(s) 14 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

### Status of claims

1. This is in response to applicant's amendment and response filed April 26, 2006, in which claims 1-16 are pending.
- 2.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

Claim 7 recites a relay program product executed by a relay device, the subject matter recited in the claim "a relay program product" is a computer program per se, therefore, it is non-statutory subject matter.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-13, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Walkup (US 6,795,685).

Claim 1. Walkup teaches a relay device (see fig. 2, repeater 202) comprising:

Walkup teaches a first signal reception unit (204) receiving a signal from the outside (repeater 202, and mobile radio 204 operate to repeat transmission between the portable 208 and the base station 206).

Walkup teaches a first radio communication unit transmitting the signal by radio that is received by said first signal reception unit (the base station transmit a signal and received by the mobile station 204, see fig. 2).

Walkup teaches a second radio communication unit provided separately from the first radio communication unit and capable of both transmission/reception (212) of the signal by radio (repeater (VRS) 202, capable of both transmission/ reception the signals by radio, see fig. 2) in which portable 208 is transmitting and receiving radio separate from base station 206.

Walkup teaches a detection unit detecting said transmission/reception of the signal by said second radio communication unit (see col. 5, lines 31-63 and col. 6, line 9-44 and fig. 2).

Walkup teaches a first inhibition unit inhibiting transmission of the signal by said first radio communication unit (mobile station 204, has been idle during the transmission of transceiver 212, after then return to idle mode 310), see col. 6, lines 34-63 and figs 3-4), in which repeater 202 sets its priority and remains idle to base 204 during which repeating process is given to portable 208.

Introducing intended use phrases , such as, "capable of" the applied reference inherently discloses the structure that permits the function to be performed.

Claim 2. Walkup teaches a second signal transmission/reception unit provided separately from the first signal reception unit (204) and capable of transmitting/receiving a signal to/from the outside, (transceiver 212 in repeater 202 is separate from 204, see fig. 2).

Introducing intended use phrases , such as, "capable of" the applied reference inherently discloses the structure that permits the function to be performed.

Claim 3. Walkup teaches a storage unit storing, the signal received by said first signal reception unit (a memory 214 and the controller 210 keep track of the current priority state , through the bus connected to controller 210, see column 5, lines 41-50 and fig. 2).

Claim 4. Walkup teaches said first radio communication unit transmits the signal stored by said storage unit when transmission/reception of the signal by said second radio communication unit is finished (col. 6, lines 34-63 and figs 3-4) in which mobile radio instruct to stop transmission and repeater return to idle mode).

Claim 5. Walkup teaches a second inhibition unit inhibiting, transmission of the signal by said first radio communication unit ( the repeater sets priority to the operational sequence and determines a communication mode , then upon determines first radio communication unit has priority , then inhibits the second unit).

Claims 6,9, they a method claims that corresponds to apparatus claim 1, above.

Therefore, they are analyzed and rejected for same reason as set forth in the claim.

Claims 7 8, Walkup teaches a relay device (see fig. 2, repeater 202) comprising:

Walkup teaches a first signal reception unit (204) receiving a signal from the outside (repeater 202, and mobile radio 204 operate to repeat transmission between the portable 208 and the base station 206).

Walkup teaches a first radio communication unit transmitting the signal by radio that is received by said first signal reception unit (the base station transmit a signal and received by the mobile station 204, see fig. 2).

Walkup teaches a second radio communication unit provided separately from the first radio communication unit and capable of both transmission/reception (212) of the signal by radio (repeater (VRS) 202, capable of both transmission/ reception the signals by radio, see fig. 2) in which portable 208 is transmitting and receiving radio separate from base station 206.

Walkup teaches a detection unit detecting said transmission/reception of the signal by said second radio communication unit (see col. 5, lines 31-63 and col. 6, line 9-44 and fig. 2).

Walkup teaches a first inhibition unit inhibiting transmission of the signal by said first radio communication unit (mobile station 204, has been idle during the transmission of transceiver 212, after then return to idle mode 310), see col. 6, lines 34-63 and figs 3-4), in which repeater 202 sets its priority and remains idle to base 204 during which repeating process is given to portable 208.

Introducing intended use phrases , such as, "capable of" the applied reference inherently discloses the structure that permits the function to be performed.

Claims 10-11, Walkup teaches said first radio communication unit transmits the signal stored by said storage unit when transmission/reception of the signal by said second radio communication unit is finished (col. 6, lines 34-63 and figs 3-4) in which mobile radio instruct to stop transmission and repeater return to idle mode).

Claims 12-13 and 15, Walkup teaches a second inhibition unit inhibiting transmission of the signal by said first radio communication unit (mobile station 204, has been idle during the transmission of transceiver 212, after then return to idle mode 310), see col. 6, lines 34-63 and figs 3-4), in which repeater 202 sets its priority and remains idle to base 204 during which repeating process is given to portable 208.

#### ***Allowable Subject Matter***

6. Claims 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach the different type of signals includes video signals and LAN signals.

#### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899.

The Central FAX Number is 571-273-8300. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TG

7/20/06

  
TILAHUN GESESSE  
PRIMARY EXAMINER